REMARKS

Upon entry of the amendments herein, claims 1-23, 25-33 and 41-63 remain pending in the application. However, in light of Applicants' election of restriction Group 1, only claims 1, 2, 4-8, 41 and 42, limited to G1, have been examined on the merits in the outstanding Office Action. Of these claims, claim 1 has been canceled and claims 2, 4-8, 41 and 42 have been amended. In light of issues raised by the Examiner in the present Office Action and in anticipation of the Examiner's rejoining and examining further claims (see more below), claims 3, 18 and 33 have also been amended herein. Claim 28, which also should be rejoined, has been amended to correct an informality. The application title has been replaced with a more descriptive one. Finally, the specification has been amended in a number of places in the interests of clarity and correction of inadvertent errors. No new matter has been introduced by any of the amendments herein.

Claims 1, 2, 4-8, 41 and 42 have been rejected under 35 USC §112, first paragraph as not being enabled. The Examiner has indicated that eliminating the term "pharmaceutical" from the rejected claims would be remedial. Although Applicants contend that one of skill in the art would find credible the assertion that the diseases disclosed in the specification would be candidates for treatment with the instantly claimed

formulations, in the interest of expediting prosecution of the application, claims 2, 4-8, 41 and 42 have been amended herein in accordance with the Examiner's suggestion. The issue with respect to claim 1 is moot, as the claim has been cancelled.

Claim 2 has been rejected under 35 USC §112, second paragraph as being indefinite. In particular, the Examiner asserts that substituent R_2 cannot be oxo. This part of the definition of substituent R_2 has been deleted from the claim, thus rendering moot this rejection.

The Examiner has rendered three separate prior art rejections of claim 1 under 35 USC §103. The cancellation of claim 1 renders moot this rejection. This action has been undertaken in the interest of expediting prosecution and cannot be taken as an acknowledgment of the validity of the rejections. Furthermore, Applicants maintain their right to resume prosecution of the cancelled subject matter in a continuation application.

In conjunction with the cancellation of claim 1, claim 2 has been amended to make it an independent claim reciting the limitations of the cancelled claim. In connection with this, Applicants remind the Examiner of his indication that, upon the determination that the compounds of Group 1 are novel, the rejoining of the compounds of Group 2 would be considered. It is Applicants' expectation that the remaining subject matter in

Group 1 will be found patentable; accordingly, the subject matter of Group 2 should be rejoined, and such action is respectfully requested. In anticipation of this, claim 3 has also been amended to put it in independent form reciting the limitations of cancelled claim 1. Claim 3 has further been amended to address the indefiniteness and enablement issues raised by the Examiner in connection with claim 2.

Further along these lines, the Examiner is reminded of his indication that, upon determination of the novelty of the subject matter of the elected group, the appropriate "kit" claims and method-of-use claims would also be rejoined for further examination. It is respectfully requested that these claims be rejoined and examined. It is submitted that these claims are also allowable and should be allowed without further delay, at least insofar as they recite the CPU inhibitors of claims 2 and 3; the additional claims presently meeting these criteria and not falling within restriction Groups 1 and 2 are claims 10, 18, 27, 33, 43-46, 48-53, 55-60, 62 and 63. Further in anticipation of the rejoining and allowance of the kit and method-of-treatment claims, claims 18 and 33 have also been amended herein.

The Examiner's attention is also called to the accompanying Information Disclosure Statement whereby thirteen references are made of record. In this connection, Applicants refer to the

Information Disclosure Statement they submitted on April 18, 2002 and the Examiner's indication in the present Office Action that the two references cited in the IDS were not considered because, in the Examiner's view, they were not listed in the appropriate section of the Form PTO-1449. These references are again listed in the concurrently submitted IDS, this time under the section desired by the Examiner. Copies of these two references are not provided herewith, however, as they were previously supplied to the Examiner.

Still further in this regard, Applicants note that, while the Examiner saw fit to provide them with a copy of the Form PTO-1449 indicating nonconsideration of the April 18, 2002 IDS, the Examiner did not provide a copy of the October 17, 2001 Form PTO-1449 indicating consideration of the references listed therein. Applicants request that such a copy be provided.

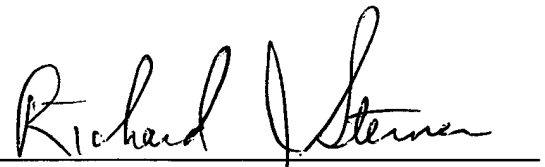
In light of the amendments herein, claims 2, 4-8, 41 and 42 are allowable. Furthermore, in light of the allowability of the subject matter of restriction Group 1, the subject matter of restriction Group 2, and of Groups 4, 5, 7 and 8 at least insofar as they tie in with the scope of restriction Groups 1 and 2, is also allowable. Allowance of the application with the appropriate claims of all these restriction groups is respectfully requested. Should any other matters require

attention prior to allowance of the application, it is requested that the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge any fees which may be due in connection with this communication to Deposit Account No. 23-1703.

Dated: May 28, 2003

Respectfully submitted,



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